

Idaho Heating, Ventilation and Air Conditioning Board Meeting

Thursday – September 11, 2003
Red Lion Templin's Hotel – Post Falls, Idaho

- CALL TO ORDER** Chairman Minegar called the meeting to order at 9:30 am on Thursday, September 11, 2003 at the Red Lion Templin's Hotel, Post Falls, Idaho.
- PRESENT** Board members present included Pat Minegar, Russ Firkins, Jim Bledsoe, Steve Brown, Steve Keys, and Mike Wisdom. Present from the Division of Building Safety were Dave Munroe, Administrator; Marsi Woody, Financial Officer; Ted Hogander, Plumbing Bureau Chief; and Shauna Wallace, Administrative Assistant and recording secretary. Also present were Wayne Frisbie, City of Coeur d'Alene; Nick Nap, City of Lewiston; Collin Smith, Sheetmetal Local #66; Kolby Hanson, Sheetmetal Local #66; Phil Petersen, SMACNA; Tena Risley, Northwest HVAC; Bob Corbell, Idaho HVAC; Terry Jones, Contractor; Duane Church, Pack River Heating; Kris Ellis, Hearth, Barbeque, and Patio Association; Bruce Graham, Quality Heating; Greg Nolan, Nolan Heating and Air; Bill Hansen, Sturm Heating; Bob Kaul, Northwest HVAC; Bob Shafer, Shafer Heating; Tom Craig, City of Spokane; Mike Pulley, Plumbers and Fitters Local; Miller Griffith, Northwest; Bill Baker, AVISTA; and Dwight Perkins, IAPMO.
- INTRODUCTIONS** Chairman Minegar welcomed everyone in the room and asked that all electronic devices be silenced for the duration of the meeting. Guests were reminded they are welcome to speak or ask questions as they need and to say their names and who they represent each time for the record. Meeting attendees introduced themselves and stated their affiliation. Chairman Minegar also encouraged attendees to submit their ideas and thoughts in writing to the Idaho Heating, Ventilation and Air Conditioning Board (Board).
- MINUTES OF 8/14/03
AND 8/18/03** Steve Brown moved to approve the minutes of the Idaho Heating, Ventilation and Air Conditioning Board meetings of August 14, 2003 and August 18, 2003. Seconded. Passed.
- BUDGET
PRESENTATION** Marsi Woody gave a presentation on the budget for the Board and the program. Chairman Minegar explained to meeting attendees that the Division of Building Safety (DBS) was not appropriated (by the Legislature) the amount of funds that were requested to run the Board and the program, therefore part of what would be discussed at this meeting was how to get the system up and running with the funds appropriated (\$272,300). Chairman Minegar also explained that while some revenue may be realized from licensing, DBS cannot spend over the appropriated amount for the fiscal year.
- Due to holdbacks requested by the Governor for the last two years, Ms. Woody began this year's budget with a 5% holdback included. At this point in the fiscal year only 6.7% of the budget has been spent on personnel costs (including the 5% holdback). Only 6.4% (including the holdback) has been spent on operating costs. Dave Munroe took a moment to explain to meeting attendees that the reason there are next-to-no personnel costs up to this point is that DBS Administration staff have been covering the duties on top of their usual duties, which will save approximately \$100,000 in personnel costs by the end of the fiscal year. Administration paid for the Board meetings held prior to July 2003 out of their budget.

For budgeting information purposes, Ms. Woody reviewed the fiscal impact statement that was developed for the HVAC program legislation. The figures in the statement were based on licensing July 2004, but holding off on inspections until October 2004. She will be submitting the budget to the Division of Financial Management by September 22, 2003. The budget request for fiscal year 2005 (July 2004 through June 2005) was based on one supervisor and seven inspectors and the items they'll need to complete their duties (computers, trucks). DBS will present the final budget to the Board at the next meeting.

ADMINISTRATIVE RULES

Shauna Wallace informed meeting attendees that the Board's proposed administrative rules have been submitted to the Office of Administrative Rules (OAR) and that they would be published in the October 1, 2003 bulletin, as well as being available on the HVAC webpage. After the public comment period has expired, DBS will submit a pending notice to the OAR stating we will be moving forward with the rulemaking and listing any necessary changes. The Legislature will review the rules at the beginning of the session and the rules will either become effective the date the Legislature designates, or upon the closure of the Legislative session. Administrative rules are subject to change by the Legislature.

LEGISLATION FOR THE 2004 SESSION

Chairman Minegar confirms the deadline for legislative proposals to the Division of Financial Management is September 22, 2003. The Board reviewed Kay Manweiler's Legislative Issues handout (attached) in an effort to clarify some questions she had while drafting the Board's upcoming legislation.

Permit and inspection programs: The Board plans to begin licensing July 1, 2004 and inspecting October 1, 2004. The Board agrees it is necessary to clarify the state's inspection authority with regard to city boundaries.

Safety Codes: The Board does want to have statutory authority to adopt codes, and plans to determine which code to adopt if authority is given by the Legislature.

Discipline: Russ Firkins stated that standards of practice are to adhere to the policies, administrative rules and laws that apply to the HVAC program. The Board concurred that discipline could be addressed with civil penalties once authority has been given.

Enforcement: The Board does want the authority to issue civil penalties and would like the legislation patterned after the electrical bureau's statute. Civil penalties are to be issued against anyone who is in violation of the policies, administrative rules or laws of the HVAC program. The Board agreed they would like the administrator of DBS to be given authority to file lawsuits against unlicensed individuals.

Clarify dates for issuance of certificates: Certificates are to be issued July 1, 2004. Mr. Munroe stated that DBS will have an application ready for distribution sixty days prior to July 1, 2004 (May 3, 2004). Applications can be submitted prior to July 1, 2004, but licenses will not be distributed until July 1, 2004.

Certification of inspectors: Per Section 54-5021(2), Idaho Code, all inspectors shall be certified by rule of the HVAC board as a commercial mechanical inspector or a residential mechanical inspector, depending on the duties assigned. Per Section 54-5021(4), Idaho Code, each local government mechanical inspector shall be certified as a mechanical inspector. Per Mr. Firkins, the Board determined at a prior meeting that inspectors shall have certification from the International Code Conference (ICC), the Uniform Mechanical Code (UMC), or International Association of Plumbing and Mechanical Officials (IAPMO). All inspectors, no matter if the employer is the city, county or state, shall be certified. Inspectors need to be certified before they inspect on their own. There is a prohibition against inspectors maintaining their own businesses relating to HVAC per Section 54-5021, Idaho Code.

Reinstatement of license: Per Section 54-5013(2), Idaho Code, any certificate which has expired may be revived at any time within one (1) year from the first day of the final month of the licensing period, by payment of a thirty-five (\$35.00) revival fee in addition to the full annual renewal fee.

Chairman Minegar ordered a fifteen-minute break.

Plan checking: The Board would like to have the authority to implement plan checking. Per Mr. Firkins, his June 12, 2003 handout outlined it as a service for those who request it at a cost of \$50/hr. State and public facilities are automatically checked.

Renewal process: When licensing begins, licenses will be one-year licenses. The Board would like to change to a staggered three-year license renewal process. The Board's consensus was to write this the same way the electrical bureau's statute is written. No change in the renewal fee. Contractor licenses will remain one-year licenses.

Fees: The Board would like additional fees to be set in statute. Plan check fees, investigation fees and fees for those who work prior to getting a permit. The Board also wants statutory authority to set the fees in administrative rules.

Specialty: The Board does want to have several specialty licenses and would like statutory authority to determine specialties in administrative rules. There were numerous comments from meeting attendees expressing interest in having one license with multiple endorsements.

Certificate for hearth and barbeque: The Board's consensus was Section 54-5009(4), Idaho Code regarding certificates for hearth and barbeque and a low voltage exception do require further study.

Business issues: A business must have a certificated journeyman and a certificated contractor on staff. If the contractor quits or dies there will be a grace period given to the company to acquire a contractors' license or hire another contractor. The certificate of competency is only issued to the individual, not the business.

Chairman Minegar ordered a lunch break.

CODE ADOPTION
DISCUSSION

Chairman Minegar began the discussion by informing meeting attendees that at some point the Board will attempt to gain statutory authority to adopt the Code of its choice. At this time, the Idaho Building Code Board has statutory authority to adopt the Code that all local and state governments are to adopt. Chairman Minegar then invited meeting attendees to speak on the different Codes and what they do and don't like about them.

Dwight Perkins gave a short presentation and answered questions on the Uniform Mechanical and Uniform Plumbing Codes. Training on these Codes would be made available by IAPMO.

Chairman Minegar encouraged meeting attendees to contact their legislators and educate them on the Codes.

After much discussion Chairman Minegar thanked meeting attendees for their input. Meeting attendees were also invited to submit their comments and concerns in writing for further review by the Board.

OLD BUSINESS

Chairman Minegar asked Board members to refer any media calls or questions to Mr. Munroe at DBS.

OTHER BUSINESS

Chairman Minegar asked if anyone had anything else they would like to discuss prior to adjourning the meeting.

Tom Craig referred to the proposed administrative rule Section 050.05 and wanted to know why the expiration of permits was set at 120 days rather than 180 days. Mr. Firkins stated his draft listed the number of days at 180. Board consensus was to change the number of days to 180.

Chairman Minegar thanked attendees again for their input.

BOARD MEETING
CALENDAR

Chairman Minegar finalized the next Board meeting to be held Thursday, November 13, 2003 at 9:00 am at the Red Lion in Pocatello, Idaho; and Thursday, December 4, 2003 at the Division of Building Safety in Meridian, Idaho.

ADJOURNMENT

The meeting was adjourned at 2:00 pm.

Respectfully submitted,

Shauna Wallace

Legislative Issues

Here are several items the Board may wish to discuss to give Kay an idea of how to proceed in drafting legislation for the upcoming Legislative Session. Some of these are practical considerations, others are more "policy" in nature. While there may not be answers to all of them, any input that the Board members might have will be appreciated.

1. Permit and inspection programs.
 - a. When does the board want the process to begin?
 - b. Does the board think it is necessary to clarify the state's inspection authority with regard to city boundaries?
2. Safety Codes.
 - a. Does the board want to have statutory authority to adopt codes?
 - b. If so, which codes does it want to adopt?
3. Discipline.
 - a. The statute needs to provide disciplinary authority. To do so, there need to be "standards of practice" so that there is an ability to evaluate whether a licensee has done or not done what is expected. What are the "standards of practice" for the industry?
 - b. Establish the grounds for imposition of discipline; the types of action to be taken against a certificate holder.
4. Enforcement.
 - a. Does the board want to have authority to issue civil penalties?
 - b. If so, against who (certificate holders? Homeowners?)
 - c. Usually the administrator would also be given authority to file lawsuits seeking issuance of an injunction against unlicensed individuals. Does the board want this?
5. Clarify dates for issuance of certificates. (Does the board want to discuss the application process in any further detail?)
6. What about certification of inspectors?
 - a. When?
 - b. How? (Is there an examination? How much experience? Who decides?)
 - c. Is there a prohibition against inspectors maintaining their own businesses?
7. Reinstatement. When a license is not timely renewed, it lapses.
 - a. How will it be reinstated?
 - b. What are the relevant time frames?
 - c. Will there be a penalty for failing to renew in a timely manner?
8. Plan checking.
 - a. Will there be plan checking?
 - b. If so, what are the parameters (cost, timing, enforcement)?
9. Renewal process.
 - a. Does the board want to continue with annual renewals or change to every three years?
 - b. Do you need to change the renewal fees?
10. Fees.
 - a. Are there additional fees that should be set in statute? (For instance, reinstatement applications, plan checking, investigation fees?)

11. Specialty.
 - a. Does the board want to have specialty licensure?
 - b. One "specialty" or several?
 - c. If so, what will the specialties be?
 - d. What are criteria/qualifications for specialty licensure?
 - e. What about hearth work/gas appliances?
12. 54-5009(4) talks about a "certificate for hearth and barbeque" and a low voltage exception from the electrical statute.
 - a. Does the board need to address this issue any further?
 - b. Should the statute clarify the relationship between this license and those of plumbing and electrical (i.e., provide a clear exemption from those licensing requirements)?
13. Business issues.
 - a. Must a business have a journeyman and contractor on staff?
 - b. What happens if the contractor quits or dies?
 - c. Will there be a grace period in which the contractor could be replaced?
 - d. Will businesses have to be licensed?